IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7757 of 2007()

CRIME NO.756/07 OF MATHILAKAM POLICE STATION.

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PETITIONER/ACCUSED NO.2

WILSON, S/O.VARGHESE,
MUNDADAN HOUSE, NAISSERY VILLAGE,
THOMANKUTHU KARA, THODUPUZHA TALUK,
IDUKKI DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 7757 of 2007

Dated this the 19th day of December, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. Altogether, there are three accused persons. All the three have now been arrested. The crux of the allegations is that on 31/10/07 when a vehicle was intercepted by the police on routine patrol duty, they found the 1st accused in the vehicle along with forged documents. Interrogation and confession of the 1st accused led the police to realise the complicity of the petitioner. He was arrested on the same day. One forged document was recovered from his possession also. He was also arrested on 31/10/07 and continues in custody from that date. On the basis of the interrogation of accused 1 and 2, the police reached and apprehended the 3rd accused. It is the case of the prosecution that all the three are acting in collusion. From the possession of the 3rd accused forged documents as also fake seals etc., used for forging various documents were seized. Investigation is in progress. It is the

specific case of the prosecution that all the three accused persons were acting in collusion and the petitioner herein was acting as an agent of the other accused.

2. The learned counsel for the petitioner submits that the allegations are totally false. The only incriminating circumstance against the petitioner sans confession is the alleged recovery of one vehicle document which is alleged to be forged. There is no other better allegation specifically raised against the petitioner. In these circumstances, the petitioner, who has remained in custody from 31/10/07, may now be enlarged on bail, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that collusion between all the three accused is clearly indicated from the materials available. The petitioner's conduct cannot be seen in isolation. The Investigator, in a serious crime like this, may be granted reasonable further time to complete the investigation. The

learned Public Prosecutor, however, concedes that the petitioner shall be entitled for bail by default on the lapse of 60 days from the date of the first remand after arrest on 31/10/07. I am satisfied, in the facts and circumstances of this case, subject to appropriate directions which shall ensure that the Investigator gets the full complement of 60 days time to complete the investigation, the petitioner can be directed to be released on bail.

4. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 29/12/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the

like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge